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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,543	11/09/2000	Vikram Singh	GEMS8081.027	5413
27061	7590	01/12/2005	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS)			RUDY, ANDREW J	
14135 NORTH CEDARBURG ROAD			ART UNIT	
MEQUON, WI 53097			PAPER NUMBER	

3627

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Pm

Office Action Summary	Application No.	Applicant(s)	
	09/710,543	SINGH et al.	
	Examiner	Art Unit	
	Andrew Joseph Rudy	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July & 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 30-48 is/are pending in the application.
- 4a) Of the above claim(s) 40-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 30-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-10 and 30-48 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's October 29, 2004 assertion that only claims 1-29 are pending is not correct.

Briefly, Applicant canceled claims 11-29 pursuant to the July 16, 2004 Amendment. Also, claims 30-48 were added pursuant to the July 16, 2004 Amendment. The Examiner did not initially review the July 16, 2004 the Amendment, as it was received after a non-final Office Action was mailed on July 13, 2004. However, this July 13, 2004 Office Action was inadvertently not complete, as previously discussed by the Applicant in REMARKS subsequent to the 7/13/04 Office Action. The 7/13/04 Office Action allowed for the subsequent consideration of claims 30-48 pursuant to Applicant's subsequent Amendments/REMARKS pointing out the 7/13/04 Office Action was not complete. Thus, as a result of the unusual prosecution history of the present Application, claims 1-10 and 30-48 are pending.

Election/Restrictions

2. Newly submitted claims 40-48 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

V. Claims 40-48, drawn to a system, classified in class 709, subclass 223.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I (from July 28, 2003 restriction requirement) and Group V are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially

different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used to practice a credit analysis process.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 40-48 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Pursuant to Applicant's July 16, 2004 and October 29, 2004 Amendments and REMARKS, claims 30-39 are included with original Group I.

Specification

3. The abstract of the disclosure is objected to because its length exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 and 30-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al, US 6,029,144.

Barrett discloses a policy checker 208, e.g. Figs. 3 and 4, that reviews existing and new audit screening processes. Official Notice is taken that the limitations 1(a)-(d), along with claims 2-10 and 30-39 have been common knowledge in the business world predating Applicant's filing date of the present application.

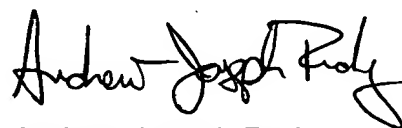
To have provided common knowledge business practices, e.g. claims 2-10 and 30-39, to have been posted via common knowledge and notoriously well known electronic media, e.g. an Excel™ spreadsheet, on a global communications network, e.g. the Internet, would have been obvious to one of ordinary skill in the art. The motivation for doing such would have been the incorporation of updated business schemes and training manuals associated with direct sales processes (including the inherent legal terms and definitions, along with the notorious common knowledge of minimizing commercial risk in business ventures) with common knowledge global communications networks.

6. Further pertinent references of interest are noted on the attached PTO-892.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Andrew Joseph Rudy". The signature is stylized with a large, looped "A" and a cursive "Rudy".

Andrew Joseph Rudy

Primary Examiner

Art Unit 3627